

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**THOMAS O'NEAL,**

**Plaintiff,**

**v.**

**Case No. 8:20-cv-936-KKM-AAS**

**CDB AMERICAN FRANCHISE SYSTEM,  
INC.; CDB AMERICAN SHAMAN,  
LLC; SHAMAN BOTANICALS, INC.;  
FLORIDA SHAMAN PROPERTIES, LLC;  
BRANDON CARNES; and KATELYN SIGMAN,**

**Defendants.**

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**ORDER**

Plaintiff Thomas O'Neal moves for an order requiring Defendant Brandon Carnes to complete and serve Form 1.9777 Individual Fact Information Sheets. (Doc. 81). Mr. O'Neal obtained judgment against Mr. Carnes and others for \$608,400.00. (Doc. 78). Under Federal Rule of Civil Procedure 69(a), the procedure for executing judgment "must accord with the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(1). Thus, Florida procedure for executing judgment applies here.

Florida Rule of Civil Procedure 1.560 allows judgment creditors to obtain discovery from judgment debtors when collecting judgment. Fla. R. Civ. P. 1.560(a). Rule 1.560 also provides:

**Fact Information Sheet.** In addition to any discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court. Failure to obey the order may be considered contempt of court.

Fla. R. Civ. P. 1.560(b).

Mr. O'Neal's motion attached the Fact Information Sheet he requests Mr. Carnes complete. (Doc. 81-1, pp. 1–12). Mr. O'Neal Fact Information Sheet complies with Florida Rule of Civil Procedure Form 1.977(a) Fact Information Sheet for Individuals.<sup>1</sup>

Accordingly, it is **ORDERED**:

1. Mr. O'Neal's motion to direct Mr. Carnes to complete the Fact Information Sheet (Doc. 95) is **GRANTED**.
2. Mr. Carnes must complete the Form 1.977(a) Fact Information Sheet for Individuals by **October 4, 2021** (within forty-five days of this order).

**ORDERED** in Tampa, Florida on August 20, 2021.

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<sup>1</sup> The Florida Rules of Civil Procedure include templates for Form 1.977 Fact Information Sheets. Sub-section (a) is for individuals and sub-section (b) is for corporations and other business entities.

*Amanda Arnold Sansone*

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AMANDA ARNOLD SANSONE

United States Magistrate Judge